

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 7987 of 2005

Between:

G. Laxmamma W/o. Shivaramulu, Fair Price Shop Dealer,
Mandipally Village, Dhanwada Mandal, Mahabubnagar District.

..... PETITIONER

AND

- 1 The Joint Collector, Mahabubnagar District.
- 2 The Revenue Divisional Officer, Narayanpet, Mahabubnagar District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ in the nature of WRIT OF MANDAMUS or any other appropriate Writ or Writs, Order or Direction, declaring the order dt. 19-3-2005 in Case No. CS1/264/2005 on the file of the First Respondent and the order dt. 17-2-2005 in File No. F/429/2005 on the file of the 2nd Respondent, as illegal, arbitrary, without jurisdiction and violative of Principles of natural justice; Award Costs and pass such other or further orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.H.VENUGOPAL

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

ORAL ORDER:

Heard both sides. Perused the material placed before me.

The main grievance of the petitioner in this writ petition is that the appellate authority i.e. the first respondent had disposed of the appeal filed by the petitioner without conducting any enquiry and also without assigning any reasons.

In fact, the basic contention of the petitioner is that the appointing authority cancelled the authorization of the petitioner without conducting proper enquiry. However, the petitioner had preferred an appeal before the Joint Collector i.e. the appellate authority. Surprisingly, the appellate authority also passed the impugned order without assigning any reasons.

When the basic grievance of the petitioner is that the appointing authority itself did not follow the procedure prescribed under law before cancellation, at least the appellate authority ought to have gone through the matter in detail and pass a reasoned order applying the mind. Merely because the records are seen, it cannot be called that there was application of mind or proper consideration of the matter.

In that view of the matter, I feel it expedient to remand the matter to the appellate authority to pass appropriate orders in the appeal in detail assigning reasons before arriving at any conclusion.

With the above observations, the writ petition is allowed and the impugned order of the first respondent dated

19-3-2005 is set aside. The matter is remanded to the first respondent to pass appropriate orders in the appeal afresh in detail by assigning reasons before arriving at any conclusion. No costs.

kvsn 12-04-2005

To

- 1 The Joint Collector, Mahabubnagar District.
- 2 The Revenue Divisional Officer, Narayanpet, Mahabubnagar District.
- 3 Two CCs to GP for Civil Supplies, High Court buildings, Hyderabad.
- 4 Two CD copies.